

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:08-CV-00119-H

CELLECTIS S.A., )  
                        )  
Plaintiff,         )  
                        )  
v.                    )  
                        )  
PRECISION BIOSCIENCES, INC., )  
                        )  
Defendant.         )

**ORDER**

This matter is before the Court on Defendant's motion to seal [DE-168] its response to Plaintiff Cellectis S.A.'s Motion to Compel [DE-165], the Affidavit of Matthew J. Kleiman [DE-166], and the Declaration of Allen C. Nunnally [DE-167]. No objections to the motions were filed and the time for response has passed. Accordingly, the matter is ripe for review.

Before granting a motion to seal, courts must first give the public notice and a reasonable opportunity to challenge the motion and then examine the public's right to access in conformity with *Stone v. Univ. of Md. Med. Sys. Corp.*, 855 F.2d 178, 181 (4th Cir.1988). If the court finds that the public's right to access is outweighed by another significant interest, then the court must consider whether there are less drastic alternatives to sealing. *Id.* In furtherance of this directive from the Court of Appeals, this Court has promulgated local rules and procedures related to the filing of sealed material. See Local Civil Rule 79.2 and Elec. Case Filing Admin. Policies and Procedures Manual, § T(1)(a)1-7 (Rev. Jan. 25, 2010). The pending motion to seal does not address why alternatives to sealing are inadequate, as required by the Court's policies and procedures. See Elec. Case Filing Admin. Policies and Procedures Manual, § T(1)(a)1.

Additionally, the presence of a protective order in the case does not absolve the Court of its duty to make the determinations required by *Stone*.

Accordingly, the motion to seal [DE-168] is **DENIED WITHOUT PREJUDICE**. The documents shall remain **SEALED** for **14 days** in order to allow Defendant to refile its motion to seal in conformity with this order and the local rules and procedures of this Court.

This the 2<sup>nd</sup> day of September, 2010.



DAVID W. DANIEL  
United States Magistrate Judge